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1 IN THE UNITED STATES DISTRICT COURT  
 2 FOR THE DISTRICT OF NEBRASKA  
 3  
 4 MARY E. CANNING, ) CASE NO.  
 5 Plaintiff, ) 4:18-CV-03023  
 6 vs. ) DEPOSITION TAKEN IN  
 7 CREIGHTON ) BEHALF OF DEFENDANT  
 8 UNIVERSITY, )  
 9 Defendant. )

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12 DEPOSITION OF: MARY E. CANNING  
 13 DATE: July 23, 2018  
 14 TIME: 9:01 a.m.  
 15 PLACE: 575 Fallbrook Boulevard, Suite 100,  
 16 Lincoln, Nebraska

1 APPEARANCES:  
 2 APPEARING FOR PLAINTIFF:

3 Mr. James C. Zalewski  
 4 Attorney at Law  
 5 575 Fallbrook Boulevard  
 6 Suite 100  
 7 Lincoln, NE 68521  
 8 jzalewski@ozwlaw.com

6 APPEARING FOR DEFENDANT:

7 Mr. David R. Buntain  
 8 Attorney at Law  
 9 233 South 13th Street  
 10 Suite 1900  
 11 Lincoln, NE 68508  
 12 dbuntain@clinewilliams.com

13 ALSO PRESENT: Andrea Jahn  
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1 I-N-D-E-X  
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 3 WITNESS Direct Cross Redirect Recross  
 4 M. Canning 6  
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 6 EXHIBITS Marked Offered  
 7 No. 1 - Physician list 48  
 8 No. 2 - Faculty 49  
 9 evaluations 12/8/15  
 10 No. 3 - Notice of 59  
 11 non-promotion  
 12 No. 4 - CCC milestone 69  
 13 review  
 14 No. 5 - Email 2/9/16 80  
 15 No. 6 - Faculty 83  
 16 evaluations 2/23/16  
 17 No. 7 - Email 2/26/16 103  
 18 No. 8 - Memo 106  
 19 No. 9 - Memo 106  
 20 No. 10 - Email 2/26/16 106  
 21 No. 11 - Letter 114  
 22 2/18/16  
 23 No. 12 - Letter 3/7/16 115  
 24 No. 13 - Grievance 147  
 25 2/27/16  
 26 No. 14 - Letter 152  
 27 6/15/16  
 28 No. 15 - Policies and 184  
 29 procedures

4

1 No. 16 - Evaluations 187  
 2 7/1/16 to 12/31/16  
 3 No. 17 - Letter 192  
 4 8/23/16  
 5 No. 18 - Memo 12/20/16 208  
 6 No. 19 - Memo 1/3/17 222  
 7 No. 20 - FasTrack 239  
 8 2015-2016  
 9 No. 21 - FasTrack 242  
 10 2016-2017  
 11 No. 22 - CCC milestone 267  
 12 review  
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1 hospital, which is not a part of Creighton,  
 2 isn't that correct?  
 3 A. That's correct.  
 4 Q. And there would be physicians that  
 5 supervised you or were the attendings or in  
 6 charge of the area where you were who were not  
 7 Creighton faculty, were not full-time Creighton  
 8 faculty members, isn't that correct?  
 9 A. Yes. Dr. Jennifer Green was one. And  
 10 Dr. Novoa and Dr. Menalascino I believe were  
 11 not Creighton faculty. They were VA employees.  
 12 Q. During your orientation, was it  
 13 explained to you how you would receive feedback  
 14 concerning your performance?  
 15 A. I believe Dr. Wichman went over it at a  
 16 noon conference.  
 17 Q. And what was your understanding about  
 18 how you would receive feedback concerning your  
 19 performance?  
 20 A. They do a monthly performance evaluation  
 21 which are posted online to the resident website  
 22 portal so that you can review them.  
 23 Q. And let's focus on the first semester --  
 24 A. Okay.  
 25 Q. -- rather than the orientation. During

1 there is a written evaluation that everybody  
 2 fills out, all the residents, the supervisors,  
 3 the faculty, the medical students, everybody  
 4 fills out an evaluation on everybody on the  
 5 team.  
 6 Q. And so you would also provide  
 7 feedback --  
 8 A. Yes.  
 9 Q. -- as a first-year resident on the  
 10 residents that you worked with, is that  
 11 correct?  
 12 A. My co-residents and my supervisor.  
 13 Q. And that feedback is provided or done  
 14 through an online --  
 15 A. It's an online form.  
 16 Q. -- system?  
 17 A. Yeah.  
 18 Q. And once that is inputted as to a  
 19 person -- well, let's say once it was inputted  
 20 as to you, you could go online and review the  
 21 feedback about you, is that correct?  
 22 A. Right.  
 23 Q. And you were aware of that from the  
 24 beginning of the process, the evaluation system  
 25 was explained to you?

1 that first semester, would you receive verbal  
 2 feedback from the physicians, including --  
 3 including the residents, about your  
 4 performance --  
 5 A. Yes.  
 6 Q. -- with patients?  
 7 A. Dr. Fixley, I've had her now -- between  
 8 the two years, I've had her a few times. She  
 9 does a one-on-one feedback. And a lot of times  
 10 she'll do it with Dr. Griffin.  
 11 But Dr. Menalascino, I don't believe I  
 12 had a one-on-one with him. I had a pretty  
 13 strong rapport with Dr. Novoa, so he gave me  
 14 more informal feedback. Dr. Green also would  
 15 give written feedback and verbal.  
 16 Q. Did you also get verbal feedback from  
 17 the residents who -- the second and third-year  
 18 residents on cases or patients that you shared  
 19 responsibility for?  
 20 A. Yes, you do. Yeah. Yeah.  
 21 Q. And you mentioned then that there is  
 22 formal written feedback through evaluations, is  
 23 that right?  
 24 A. Right. There is -- there is verbal,  
 25 which is I guess sort of optional. And then

1 A. It was explained in the group, with the  
 2 group, with the rest of the group, yeah.  
 3 Q. And the online feedback mechanism is  
 4 called --  
 5 A. It's called New Innovations.  
 6 Q. -- New Innovations?  
 7 A. Yeah.  
 8 Q. So you started receiving feedback almost  
 9 immediately after you started?  
 10 A. Uh-huh.  
 11 Q. Would that be correct?  
 12 A. Uh-huh.  
 13 Q. And that's a yes?  
 14 A. Yes.  
 15 Q. And is it important to receive feedback  
 16 as a resident?  
 17 A. Yes.  
 18 Q. Was it your understanding that some  
 19 feedback or evaluations would carry more weight  
 20 than others in the evaluation process?  
 21 A. I think at that point in time when I  
 22 started, no, I wouldn't know that. I mean --  
 23 Q. Did you know or did you come to know  
 24 that there were faculty that were identified as  
 25 the core faculty?

1 all I have.  
 2 MR. ZALEWSKI: Okay. I don't  
 3 have any questions.  
 4 Mary Beth, we have talked about if you  
 5 want to read and sign or waive signature. And  
 6 you decide that you --  
 7 THE WITNESS: Waive signature is  
 8 fine.  
 9 (Concluded at 3:37 p.m.)

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1 C-E-R-T-I-F-I-C-A-T-E

2  
 3 STATE OF NEBRASKA )  
 4 : ss.  
 5 COUNTY OF LANCASTER )

6 I, Sheryl Teslow, General Notary Public  
 7 in and for the State of Nebraska, do hereby  
 8 certify that MARY E. CANNING was by me duly  
 9 sworn to testify the truth, the whole truth and  
 10 nothing but the truth, and that the deposition  
 11 by her as above set forth was reduced to  
 12 writing by me.

13 That the within and foregoing deposition  
 14 was taken by me at the time and place herein  
 15 specified and in accordance with the within  
 16 stipulations; the reading and signing of the  
 17 witness to her deposition having been waived.

18 That I am not counsel, attorney, or  
 19 relative of either party or otherwise  
 20 interested in the event of this suit.

21 IN TESTIMONY WHEREOF, I have placed my  
 22 hand and notarial seal the 5th day of August,  
 23 2018.

24 \_\_\_\_\_  
 25 Sheryl Teslow, RDR, CRR